

REMARKS

Claims 1, 22-25 and 28-50 have been rejected as reciting subject matter disclosed in the Sheridan '564 patent. Before discussing the rejection, it may be well to review the extent of disclosure contained in the Sheridan patent.

The Sheridan patent is directed to an endotracheal tube for performing a medical procedure of intubation. As such, the tube must be flexible, note Figures 1, 9 and 10. To obtain flexure, the segments of tubular portion 20 overlap on one side and are flattened on the other side, as depicted in Figure 5. Moreover, by obtaining diametric overlap of the segments, as depicted in Figure 8, the tube may be shortened. These features of the endotracheal tube require that tube be flexible and the segments, representing truncated cones, be capable of overlapping one another. On a purely superficial basis, there is some commonality between two adjacent truncated segments and the present invention.

Claims 1, 31 and 32, the independent claims, have been amended to more particularly point out and distinctly claim the invention. Specifically, the adjacent core pipe sections are recited as being "in a fixed spatial arrangement". As set forth above, such fixed spatial arrangement is completely absent from the endotracheal tube disclosed in the Sheridan patent. Not only is such teaching absent but the endotracheal tube would not function, as intended, if the segments thereof were "in a fixed spatial arrangement". One must therefore come to the

inescapable conclusion that the present invention teaches away from the features of the Sheridan endotracheal tube.

It is well accepted that a rejection under 35 U.S.C. 102 requires that each and every element as cited in a claim be disclosed in a cited reference. clearly, such is not the case. Withdrawal of the rejection of claims 1, 31 and 32 is respectfully requested.

Claims 33-50 recite features totally absent from the disclosure in the Sheridan patent.

The purpose of the present invention is to assist in maintaining particulate matter conveyed through a pipe system by either a gas or liquid carrier relatively homogeneously mixed within the carrier. By using the present invention within a pipe delivery system, homogeneity of the particulate matter in the carrier is augmented, maintained and/or reestablished. By using the core type sections described, the net effect on the particulate matter is that of new distribution within the carrier. The effect of such redistribution due to changes in pressure and velocity effected by the core pipe sections, they must be rigid and in a fixed spatial arrangement. Were there not a fixed spatial arrangement, such as is present in the Sheridan tube, the result sought and achieved by the present invention could not be accomplished. Thus, not only is the present invention recited in language in apposite to that applicable to the Sheridan tube but the functionality of the present invention is different from and could not be carried out by the Sheridan tube.

It may be noted that the Sheridan tube relates to medical devices while the present invention relates to fluid handling devices useful in an art far removed from medical devices. Even for this reason alone, the Sheridan patent is not an appropriate reference to support a rejection under 35 U.S.C. 102.

For any and all of the above reasons, claims 1, 31 and 32 recite subject matter not taught in the Sheridan patent. This paucity of commonality between the subject matter recited in claim 1, 31 and 32 and the totality of disclosure in the Sheridan patent does not meet the requirements for a rejection under 35 U.S.C. 102. Accordingly, allowance of claims 1, 31 and 32 is respectfully requested.

Each of the remaining claims depend directly or indirectly from one of claims 1, 31 or 32. Each of these dependent claims recite features of the present invention with great specificity. As claims 1, 31 and 32 must be deemed allowable, all remaining claims, depending from claims 1, 31 or 32 must also be allowed.

In view of the amendments to the claims to more particularly point out and distinctly claim the invention, the review of the extent and paucity of teachings contained in the Sheridan

to support a rejection under 35 U.S.C. 102 and the above discussion of the subject matter claimed, it is believed that the application is in condition for allowance, which allowance is respectfully requested.

Respectfully submitted,

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